

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,)
 Plaintiff,)
 v.)
Aureliano CASTILLO-Sanchez)
 Defendant.)

08 FEB 13 AM 9:40
 Magistrate Case No. **08 MJ 0418**
 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF
 Title 8, U.S.C., Section 1326
 Attempted Entry After
 Deportation

DEPUTY

The undersigned complainant being duly sworn states:

On or about **February 12, 2008**, within the Southern District of California, defendant **Aureliano CASTILLO-Sanchez**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 13th DAY OF FEBRUARY, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On February 12, 2008, at approximately 04:22 AM, a male individual later identified as **Aureliano CASTILLO-Sánchez** (Defendant) attempted to enter the United States from Mexico at the San Ysidro, California Port of Entry pedestrian entrance. Defendant presented Resident Alien Card (Form I-551) bearing the name Alejandro Barboza-Rosas as his entry document to a Customs and Border Protection (CBP) officer. Defendant stated to the CBP officer that he was going to work in San Diego, California. The CBP officer noticed that Defendant did not resemble the picture on the I-551 and asked for another form of identification. Defendant presented a California driver license and a social security card bearing the name Alejandro Barbosa. The CBP officer suspected Defendant was not the rightful owner of the documents he presented and escorted him to secondary for further inspection.

During secondary inspection Defendant was queried by fingerprint and photograph through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a citizen of Mexico and a previously deported alien. Defendant's identity was verified utilizing the Integrated Automated Fingerprint Identification System (IAFIS).

Further queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) confirmed Defendant is a citizen of Mexico without legal documents to enter the United States. CIS and DACS indicate that on or about October 29, 1996 Defendant was ordered deported from the United States by an Immigration Judge and physically removed on or about November 20, 1996. Immigration service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or his designated successor, the Secretary of the Department of Homeland Security to legally re-enter the United States.

During a videotaped proceeding, Defendant was advised of his Miranda Rights and elected to submit to questioning without benefit of counsel. Defendant admitted he is a citizen of Mexico and does not possess legal documents or other benefit that would permit him legal entry into the United States. Defendant admitted he was to pay \$3,500.00 for the use of the documents he presented and transportation to Los Angeles, California. Defendant admitted he was previously deported from the United States in 2007, 1996, 1995 and 1992. Defendant admitted he has not requested nor received permission to reenter the United States. Defendant admitted he intended to travel to Los Molinos, California.